

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 8

August 4, 2014

SUBJECT: PROPERTY TAKEN FROM AN ARRESTEE - REVISED; AND, EXCESS PERSONAL PROPERTY RECEIPT, FORM 10.08.00 - REVISED

PURPOSE: The Americans with Disabilities Act of 1990 and the Americans with Disabilities Amendments Act of 2008 provide that persons with disabilities are entitled to equal access to facilities and accommodations. The Department has identified the need to revise and clarify Department procedures regarding property taken from arrestees, specifically arrestees with orthopedic or prosthetic devices. Additionally, California Civil Code Section 2080.10 mandates that excess personal property received from arrestees must be stored for a period of 60 days from the date it is obtained. The arrestee must be properly notified about the allotted time period permitted for retrieving personal property prior to its disposal.

PROCEDURE:

- I. **PROPERTY TAKEN FROM AN ARRESTEE - REVISED.** Department Manual Section 4/645.20, *Property Taken From An Arrestee*, has been revised. Attached is the revised Manual Section with the revisions indicated in italics.
- II. **EXCESS PERSONAL PROPERTY RECEIPT, FORM 10.08.00 - REVISED.** The Excess Personal Property Receipt, Form 10.08.00, has been revised to include the mandatory advisement which must be read to the arrestee by sworn Department personnel. Upon completion of the advisement, the advising officer must document his/her name and serial number in the "Advising Officer" and "Serial No." boxes on the form. **The Use, Completion and Distribution of this form remain unchanged.**

FORM AVAILABILITY: The revised Excess Personal Property Receipt, Form 10.08.00, is available in E-Forms on the Department's Local Area Network (LAN). All other versions of this form must be marked "obsolete" and placed in the divisional recycling bin. A copy of the form is attached for immediate use and duplication.

AMENDMENTS: This Order amends Section 4/645.20 of the Department Manual. The "Form Use" link applicable to the Excess Personal Property Receipt is accessible on the Department's LAN.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.

A handwritten signature in blue ink, appearing to be 'CB', is written above the printed name.

CHARLIE BECK
Chief of Police

Attachments

DISTRIBUTION "D"

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645.20 PROPERTY TAKEN FROM AN ARRESTEE. Property which has been taken from the possession of an arrestee *must* be accounted for as follows:

Evidence. Property taken from an arrestee which has, or may have, evidential value *must* be booked as evidence. A Receipt for Property Taken into Custody, Form 10.10.00, *must* be issued to the arrestee at the time that the property is removed from his/her person or control. When circumstances make the immediate completion of the Form 10.10.00 impractical, it *must* be issued as soon as possible after the property is taken into Department custody. The **original** of the Form 10.10.00 *must* be included as a page of the original Property Report, Form 10.01.00; Release from Custody Report Continuation, Form 05.02.08; or Arrest Report, Form 05.02.00, when evidence to be booked is listed.

It is not necessary to issue a Form 10.10.00 for blood and urine samples and biological smear specimens taken from an arrestee or the victim of a crime, nor is it necessary to include these items on a Form 10.10.00 used to list other property taken from an arrestee or victim.

Personal Property. An arrestee's personal property which can be contained in a property package *must* be delivered to the custodial detention officer at the time of booking (4/620.10). When booking an arrestee into the City jail system, items which can be contained in a property package *must* be listed on the Booking and Identification Record. If there is insufficient space, a Continuation Sheet, Form 15.09.00, *must* be used. One copy of the Continuation Sheet *must* be attached to each copy of the Booking and Identification Record. When an arrestee is transferred to the Los Angeles Sheriff's Department, the custodial detention officer *must* ensure the arrestee's personal property *is* transferred intact to the transporting deputy.

Money. The arrestee's money *must* be placed in the Cash Money Booking Envelope. The arresting officer *must* be responsible for counting the arrestee's money, having the arrestee sign for the amount being deposited, and sealing the money envelope. The outside of the Cash Money Booking Envelope *must* clearly document the amount being deposited and both the arresting officer's and the arrestee's signatures *must* be on the envelope. When booking money in the amount of \$500.00 or more, or in the event that the arrestee refuses to sign the envelope, the amount of money being booked *must* be verified by a Jail Division supervisor or a sworn supervisor. *The supervisor verification of money must take place in the presence of both the arrestee and the arresting officer prior to the arresting officer booking the money into the City jail system.* The approving supervisor *must* indicate verification by placing his/her initials and serial number on the *Cash Money Booking Envelope*.

Note: If the arrestee does not have any money to be deposited with their property, a No Money Slip *must* be filled out by the arresting or transporting officer.

Jewelry. The arresting or transporting officer will have the arrestee remove all jewelry items. The officer will accurately describe each item on a 3" x 6" Jewelry Booking Envelope, and *properly seal the Jewelry Booking Envelope with a Department Evidence Seal, Form 10.12.07.*

Prescription Medication. Prescription medications *must not* be booked as excess personal property at any Department facility. The detention officer *must* take custody of prescription

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medication which was in the arrestee's possession and retain it in the arrestee's personal property. Prescription medication **must** accompany an arrestee when the arrestee is transferred to another location of confinement.

***Note:** The prescription medication in the arrestee's possession must be prescribed in the arrestee's name. If the medication is without a prescription or is not prescribed to the arrestee, the medication must be booked as analyzed evidence.*

Orthopedic or Prosthetic Devices. Orthopedic or prosthetic devices include, but are not limited to:

- Canes;
- Crutches;
- Removable metal braces;
- Plastic braces;
- Neck braces;
- Artificial limbs; or,
- *Personal mobility devices (e.g., motorized scooters, wheelchairs, walkers).*

Department personnel and officers of outside agencies booking arrestees with an orthopedic or prosthetic device *must transport the device to accompany the arrestee.* Officers must book such arrestees at either Metropolitan Detention Center (MDC) or 77th Street Regional Jail or Valley Regional Jail Section.

***Note:** Valley Regional Jail Section can house all prosthetic devices with the exception of wheelchairs or motorized scooters. If an arrestee is in possession of a wheelchair or motorized scooter, they must be booked at MDC or 77th Regional Jail Section.*

*Arrestees with an orthopedic or prosthetic device **must not** be booked at any Area jail section. All orthopedic or prosthetic devices, even if they are large or heavy devices such as motorized wheelchairs or scooters, must be transported with the arrestee.*

Removing Orthopedic or Prosthetic Devices. When Department personnel responsible for a Department jail facility have reasonable *probable* cause to believe that possession of an orthopedic or a prosthetic device by an arrestee poses *an immediate risk of bodily harm to any person in the facility, or threatens the security of the facility*, the device **may** be removed from the arrestee with the approval of the jail facility watch commander. If removal of the device becomes necessary, the arrestee *must* be examined by the on-duty physician at the respective jail facility.

Note: The arrestee *will* be deprived of the device only during the time that the conditions which necessitated its removal continue to exist. *If such conditions cease to exist, then the device must be returned to the arrestee.*

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Storage of Orthopedic and Prosthetic Devices. Orthopedic and prosthetic devices *must not* be booked as excess property, and *must* be returned to the arrestee upon transfer to the Los Angeles Sheriff's Department or when conditions permit.

The arrestee's name and booking number *must* be affixed to the devices, and the devices are to be stored in a secure location within the jail. Additionally, the booking employee *must* annotate the Jail Custody Record of the Los Angeles Consolidated Booking Form, Form 05.01.02, indicating the temporary removal and storage of the devices.

***Note:** Under no circumstance will orthopedic and prosthetic devices removed from an arrestee be stored at a geographic Area excess property storage facility (e.g., Central Area Eastside Detail Property Warehouse) or any other facility besides the jail section where the arrestee is booked.*

Watch Commander's/Watch Supervisor's Responsibilities. Jail Division *Watch Commander/Watch Supervisors must* ensure that the provisions of Penal Code Section 2656 are adhered to, relative to the medical examination of arrestees from whom orthopedic or prosthetic devices have been removed. They *must* also ensure that the examining physician indicates, in writing, on the Medical Record for Persons in Custody, Form General PHSOHD 15, whether or not the continued deprivation of the device would be injurious to the health or safety of the arrestee.

CHP Arrestees. Excess personal property belonging to an arrestee booked by a CHP officer on a charge within the responsibility of the CHP *must* be retained by the CHP officer.

Excess Personal Property. When an arrestee's personal property cannot be contained in the arrestee's property bag, it *must* be packaged separately as excess personal property. Additionally, the following clothing items *must* be classified and handled as excess personal property:

- Hats and any other non-essential clothing items; *and,*
- Jackets or T-shirts which, due to their construction or design, may be construed as a possible security threat (i.e., cords, strings, metal parts, gang logos, racially or ethnically offending material).

Note: In such cases where basic clothing is to be removed, the arrestee *must* be issued Department supplied jail clothing, per Department Jail Operations Manual Section 2/213.03.

Department personnel booking an arrestee's excess personal property *must*:

- Complete the Excess Personal Property Receipt, Form 10.08.00, itemizing the property;
- *Provide the advisement notated in bold to the arrestee;*
- *Write his/her name and serial number in the "Advising Employee/Serial No." boxes;*
- *Hand deliver the original copy of the Excess Personal Property Receipt, Form 10.08.00, to the arrestee;*

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Exception: *If the Excess Personal Property Receipt cannot be hand-delivered to the arrestee due to an extenuating circumstance (e.g., medical treatment, arrestee transferred to another City jail facility before completion of the form, mass arrests), the issuing officer must mail the original copy to the arrestee's residential address.*

- Complete the Personal Property Envelope, Form 10.13.01;
- Gather all excess personal property into a single bundle and ensure it is securely fastened;
- Attach the completed Excess Personal Property Receipt, Form 10.08.00, and the Personal Property Envelope, Form 10.13.01, to the outside portion of the bundle; and,
- Deposit the excess personal property with the detention officer receiving the arrestee.

Exception: *Excess personal property of an arrestee booked directly into a County jail facility or Metropolitan Detention Center will remain at Metropolitan Detention Center. Excess personal property of an arrestee booked directly into Valley Regional Jail Section will remain at Valley Regional Jail Section.*

The receiving Area jail *must* retain unclaimed excess personal property for a minimum of 24 hours after the arrestee has been released or transferred. After the 24-hour minimum, unclaimed excess personal property *must* be transferred to the Area property room from an Area jail.

Unless released to the arrestee or his/her agent within 30 days, the property *must* be transferred as indicated below:

- All Metropolitan Area divisions and Harbor Area - to the Central Property Room of Property Division; or,
- All Valley Areas, Pacific Area, and West Los Angeles Area - to Valley Property Section, Property Division.

Unclaimed excess personal property *must* be held for 60 days from the date the Department took possession of the property before disposal. However, if the arrestee is to remain in custody, he/she may request, in writing, for the Department to hold the property for up to 10 months from the date the Department initially took possession of the property.

Excess personal property *must* not be forwarded with an arrestee to another place of confinement within the City jail system nor *must* it accompany an arrestee transferred into County custody.

Intra-Department Transfer of Personal Property. When a prisoner is transferred from one place of custody within the Department to another, all his/her property (*with the exception of excess personal property*) *must* be transferred with him/her, accompanied by the Jail Transfer Record, Form 06.11.00. However, when a prisoner is taken temporarily from a place of confinement by officers of the Department and will be returned to the same place, his/her property need not be so transferred.

Inscribed or Numbered Property. An arrestee's personal property which bears an inscription or number *must* be reported on the Booking and Identification Record.

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Animal. When an arrestee's animal has been placed in the care of an animal shelter, a notation indicating the type of animal and the address of the shelter *must* be made on the Booking and Identification Record.

Bicycles. *When bicycles are booked as excess personal property, the booking officer must query the frame number of the bicycle in the Automated Property System (APS). The booking officer must also list the frame number, make, model and speed on the Prisoners Excess Form. A copy of the APS printout must be attached to the form. If APS shows that the bicycle is stolen, the bicycle must be booked as evidence.*

Property Contaminated with Biological Waste or Infectious Material. *Excess personal property contaminated with biological matter and or infectious material must not be booked as excess personal property. The property must be disposed of by the booking officers at the time of booking. The booking officers must inform the arrestee that his/her items are being disposed of due to the hazardous/infectious nature of his/her excess property. These items will not be accepted into any property division facility.*

Cremated Human Remains. *Cremated human remains will not be accepted as excess personal property. These items must be released to next of kin or kept with the arrestee's wallet, identification, money or prescription medication. The cremated human remains must follow the arrestee and be returned to him/her upon release.*

FORM USE
Form 10.08.00
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10.08.00 EXCESS PERSONAL PROPERTY RECEIPT, FORM 10.08.00.

10.08.00-01 **Use of Form.** This form is used by arresting officers to record the excess personal property of arrestees (Manual Section 4/645.20).

10.08.00-10 **Completion.** This form *must* be completed when an arrestee's excess personal property is taken into custody by the Department. A Division of Records (DR) number is not required. All excess personal property *must* be itemized.

10.08.00-80 Distribution.

- 1 - Original (white or *arrestee's copy*), *hand-delivered* to the arrestee.
- 1 - Copy (*or manila colored copy*), to be placed in the Personal Property Envelope, Form 10.13.01, and attached to the *outside of the excess personal property bundle*.
- 2 – TOTAL**

When excess personal property is released to an arrestee or his/her agent, the copy (*or manila copy*) *must* be signed by the person receiving the property and retained for *three* years by the division releasing the property.

LOS ANGELES POLICE DEPARTMENT
EXCESS PERSONAL PROPERTY RECEIPT

DATE

ARRESTEE'S NAME			BOOKING NO.			ADDRESS PROPERTY BOOKED		
RESIDENCE ADDRESS			CITY			<input type="checkbox"/> 180 N. Los Angeles Street, Los Angeles <input type="checkbox"/> 6240 Sylmar Avenue, Van Nuys <input type="checkbox"/> _____		
<p>The following property will be held at the above location for 30 days and then transferred to:</p> <p><input type="checkbox"/> Property Division, 180 N. Los Angeles Street, (213) 356-3700, TDD (213) 356-3788</p> <p><input type="checkbox"/> Property Division, 6240 Sylmar Avenue, Van Nuys, (818) 374-9445, TDD (877) 785-6619</p> <p><input type="checkbox"/> Jail Division, 180 N. Los Angeles Street, (213) 356-3400, TDD (213) 356-3788</p> <p>Bring this receipt and personal identification with you upon release to claim this property. If you wish another person to obtain this property in your behalf, enter that person's name in the box at the bottom of this form titled "NAME OF ARRESTEE'S AGENT," then sign and date the box titled "AUTHORIZATION FOR RELEASE (ARRESTEE'S SIGNATURE)." Also, you may request Property Division, prior to the expiration of the 60 day disposal, to hold the property for up to 10 months from the date the Department took possession of the property, if you are to remain in custody.</p> <p>ADVISEMENT: YOUR PROPERTY WILL BE SOLD OR DESTROYED AFTER 60 DAYS IF YOU FAIL TO CLAIM YOUR PROPERTY OR IF YOU FAIL TO NOTIFY THE DEPARTMENT IN WRITING TO REQUEST YOUR PROPERTY BE HELD FOR UP TO 10 MONTHS FROM THE DATE THE DEPARTMENT TOOK POSSESSION.</p>								
ITEM	QUAN.	DESCRIPTION OF PROPERTY	ITEM	QUAN.	DESCRIPTION OF PROPERTY			
ARRESTING OFFICER			SERIAL NO.			ADVISING EMPLOYEE		
NAME OF ARRESTEE'S AGENT			AUTHORIZATION FOR RELEASE (ARRESTEE'S SIGNATURE)			DATE		